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AUTHOR Lieberman, Myron
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ABSTRACT

The view that peer review and faculty self-government are detrimental is expressed. Peer review, a procedure in which the conduct of faculty members is subject to review by other faculty members, is used primarily in personnel and research decisions (e.g., tenure, promotion, and/or salary increases, and to assess grant or contract proposals). Faculty self-government refers to a governance structure in which the faculty formulates policy and makes critical personnel decisions. Faculty accountability under peer review and faculty self-government is viewed solely as a collective outcome: faculty would share in any institutional decline resulting from poor recommendations. Therefore, professors are not truly accountable for their policy decisions or recommendations. It is suggested that in public colleges faculty self-government presents a paradox, if not an inconsistency, with representative democratic government, whereby people have the right to change their policy-makers. It is argued that there is no need for professors to "police their own ranks" to protect the public. Unlike fee-paying clients who go to doctors and lawyers, colleges can exercise effective managerial controls. External peer review, the question of merit, and decisional patterns under faculty self government and collective bargaining are also considered. (SW)

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NEWSLETTER
NATIONAL CENTER FOR THE STUDY OF COLLECTIVE BARGAINING IN HIGHER EDUCATION AND THE PROFESSIONS

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PEER REVIEW AND FACULTY SELF GOVERNMENT: A DISSENTING VIEW

Myron Lieberman
Professor of Education Ohio University

Editor's Note: Professor Lieberman served as one of the keynote speakers at the Fourteenth Annual Conference of the NCSCBHEP. This paper is a slightly longer version of his original presentation and represents an opinion that significantly departs from the more traditional concept of faculty peer review. Professor Lieberman has previously been a member of the School of Education faculty at a number of institutions including Baruch College and the University of Southern California.

INTRODUCTION

This article is a critique of "Peer Review" (hereinafter PR) and Faculty Self Government (hereinafter FSG). My view is that as practiced in higher education in the United States, "Peer Review" and Faculty Self Government are a major cause of the pervasive weaknesses found in the system. PR and FSG contribute to the excessive costs, waste, intellectual and moral hypocrisy, and the overriding failures of higher education to fulfill its social function. As I shall try to explain how these weaknesses, which characterize both public and private higher education, are the inevitable consequences of the procedures to be analyzed.

THE PROCESS OF "PEER REVIEW"

Although PR and FSG often overlap in practice, they can be distinguished. "Peer review" is a procedure in which the conduct of faculty members is subject to review by his or her "peers". Conceptually, PR can be applied to a variety of evaluative decisions or recommendations. In practice, it is used primarily in personnel and research decisions. With respect to personnel decisions, "peer review" often comes into play when a faculty member is being considered for tenure, promotion, and/or salary increases. It is also used in some institutions in dismissal or disciplinary proceedings. In the research area, "peer review" is frequently used to access grant or contract proposals. Federal legislation in some areas mandates "peer review" as part of the grant or contract-making procedure.

Inasmuch as a major criticism of "peer review" and faculty self government will be their lack of accountability, let me clarify the term accountability as I shall use it. I regard an individual as accountable to the extent that the individual is subject to rewards and/or penalties for the quality of his own conduct, decisions, or recommendations. In this connection, three points must be emphasized. First, "decisions" include decisions to recommend i.e., recommendations. Secondly, the fact that a faculty decision may not be accepted by higher authority is not critical. In my view the absence of legal authority should not absolve faculty of accountability for the quality of their recommendations. Finally, accountability is personal. That is, a person should be held accountable only for his own actions. It would hardly make sense to hold a faculty member accountable for a decision which he opposed. Meaningful accountability is not possible under a decision-making system unless the system enables us to identify and assess individual roles in the decision-making process.

To be accountable, individuals must run the risk of adverse personal consequences as the result of poor recommendations or poor decisions. To illustrate, if a dean recommends individuals for academic employment, the dean can be held accountable for the performance of the persons recommended. If a dean consistently employs poor teachers who never conduct any significant research, the appropriate authorities can legitimately conclude that the dean has not performed adequately.

In order for a faculty member to be accountable for the quality of their decisions, recommendations must also be taken into account. In practice, however, this is not done. I know of no institution in which faculty members are accountable for their

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recommendations as "peers". When the issue is raised, a typical response is that the faculty members are accountable because they too would share in any institutional decline resulting from poor recommendations.

This concept of accountability seems unique to higher education. If a professional football player misses blocks and drops passes the player experiences adverse consequences. Coaches do not say, "You missed your blocks and dropped your passes but because you also suffered, because we ended up in last place, I will not trade you, drop you from the team or reduce your compensation." In any other field, this system of collective accountability would just be perceived for what it is, an absurdity.

PR AND THE PERSONNEL PROCESS

Let us now consider PR in the personnel process. Typically, a faculty member being considered for tenure, promotion or salary increase is subject to "peer review". Yet who are the "peers"? In practice they are the other faculty members. Frequently when the decisons involve tenure and/or promotion the "peers" are faculty who already have tenure and rank; in effect, "peer review" means that those who were hired first decide who will be hired second. Whether those first hired, or first accorded tenure are "peers" from a professional standpoint is strictly a matter of chance. The meaning of "peer" is not raised as an issue although the vagueness of the concept literally begs for clarification. Obviously, it would be extremely difficult for an individual subject to "peer review" to raise the issue. To see why, suppose X is an outstanding historian. Suppose also that X is up for tenure, and is being considered by history professors of less achievement and promise. We can hardly expect X to challenge the qualifications of his "peers" since the latter have the power to deny tenure. Furthermore, most professors have strong reasons to avoid intra-departmental comparisons and evaluations. Not even the most secure professor is likely to say: "'Peer' should mean something different from the mere fact of prior employment. Let's separate the sheep from the goats or the 'peers' from those of lesser qualification in the department."

Let us approach the underlying issue from another perspective. Is a decision right because it is made by the faculty or is it right independently of who makes it; i.e., because it is consistent with various criteria. "Peer review" and faculty self government are based on the indefensible view that decisons are right because they are made by the faculty. After all, if it were otherwise, if faculty or "peer" decisions are right because of independent standards, two questions arise: Why can't an administrator adhere to these standards? Why assume that faculties are more likely than administrators to adhere to them, especially if the administrator is accountable for his recommendations and faculty are not?

PR AND COLLECTIVE OUTCOMES

Accountability does not exist merely because an institution may suffer as a result of poor recommendations, or even because the person making them may suffer indirectly from such decline. A general is accountable if decisions on his own status are based upon the quality of his conduct as a general. We would hardly shield generals from accountability merely because their nation might lose the war if they make mistakes. In contrast, faculty accountability under "peer review" and faculty self government is viewed solely as a collective outcome; professors regard themselves as accountable under collective decision-making because they too would allegedly suffer if their collective decisions are poor ones. In the real world faculty members are often better off as a result of decisons or recommendations that harm their institutions. Unfortunately, "peer review" and faculty self government ignore such possibilities frequent as they are.

EXTERNAL "PEER REVIEW"

Some institutions require outside evaluations in making important personnel decisions. For instance, if a professor is being recommended for tenure, the institution may require a certain number of favorable assessments from outside the institution. Ideally, the outsiders are prestigious individuals in the field.

Although the procedure can be easily abused (by illiciting outside assessments certain to support the views of the recommending authority), I see nothing inherently wrong in this procedure. In fact, it may safeguard against academic inbreeding or on-site "peer" approval to avoid unpleasant confrontations. As a matter of fact, I know of instances in which faculty members voted in favor of tenure, on the supposition that the dean and the outsiders would recommend denial of it. No one knows how often such things happen, but common sense suggests that such occurrences are not rare; the widespread concern over the confidentiality of "peer review" certainly points in this direction.

Whether outside review should be mandatory is another matter. The critical issue is the status of the outside assessments. If they are to be used at the discretion of the decisionmaker(s), I see no objection; if, however, an institution requires favorable outside assessments, we have "peer review" in a different but essentially irresponsible mode. This is evident if the question is raised: What is the accountability of the outsiders for the quality of their assessments? As a practical matter, there is none regardless of whether the outsiders are paid for their assessments. Whether their assessments are on or off target, or whether paid for or not, the outsiders do not experience any adverse consequences personally for horrendous assessments.

Accountability is not the same as hindsight. It should be based upon what individuals knew and should have known when they acted, not upon the actual consequences of their decisions. Patients often

die even when receiving medical care from the most confident and conscientious physicians. Of course, one personnel decision that turns out badly may not justify adverse action against the decisionmaker, whereas a pattern of such decisions might well do so.

The proponents of PR and FSG assume that faculties are more likely to be immune from the bias, favoritism and conflicts of interest that presumably characterize other decision-making procedures. An incident that occurred at the City University of New York (CUNY) some years ago illustrates the fatuity of this assumption. The proportion of tenured faculty was getting so high that the trustees were finding their personnel, and hence programmatic options, too limited. Consequently, the CUNY trustees adopted a policy that required special justification for awarding tenure in academic units in which over 50 percent of the faculty already had tenure. The purpose of the policy was to preserve programmatic flexibility for the trustees.

The adoption of the policy resulted in drastic changes in personnel recommendations by "peer" groups. Recommendations to hire outside faculty with tenure, or close to eligibility for tenure, dwindled drastically. As a matter of fact, some recommendations of this sort that were already in the pipeline were recalled. Obviously, if new faculty were being recommended on the basis of competence, or university needs, such changes would have been inexplicable. On the other hand, the changes were consistent with the assumption that professors are motivated in significant part by self interest.

Professorial self interest is actually manifested in a variety of ways under "peer review". Sometimes faculty members do not want academic competition from colleagues; they prefer new faculty who will not be a threat to established faculty for promotions, salary increases, or consulting assignments. It is easy to conceal such motivations, especially when "peer review" operates behind a cloak of secrecy.

If one assumes, as I do, that what makes academic or personnel decisions right, is not who makes them, but whether the decisions conform to certain standards or objectives, the rationale for "peer review" is suspect indeed. On what basis can a person appeal a decision made by peers? Presumably only because the decision did not conform to some standard. They were allegedly based on bias or faulty judgements of competence, whatever. But if an appeal from "peer review" can be based on such criteria, what is the need for "peer review"? An individual administrator instead of the "peer" group could make the decision. If such decisions did not meet the appropriate criteria, they could be appealed just as the peer group decision could be appealed.

FACULTY SELF GOVERNMENT

Let me turn briefly to faculty self government. Whereas "peer review" can be applied to discrete decisions, faculty self government refers to a governance structure in which the faculty formulates policy and makes the critical personnel decisions.

The Rationale for Faculty Self Government

According to a statement issued jointly by the American Council on Education, the Association of Governing Boards of Universities and Colleges, and the American Association of University Professors:

> The faculty has primary responsibility for such fundamental areas as curriculum, subject matter, and methods of instruction, research, faculty status, and those aspects of student life which relate to the educational process. On these matters the power of review or final decision lodged in the governing board or delegated by it to the president should be exercised adversely only in exceptional circumstances and for reasons communicated to the faculty.... Faculty status and related matters are primarily a faculty responsibility; this area includes appointments, reappointments, decisions not to reappoint, promotions, the granting of tenure, and dismissal.... Determination in these matters should first be by faculty action through established procedures, reviewed by the chief academic officers with the concurrence of the board. The governing board and the president should, on questions of faculty status, as in other matters where the faculty has primary responsibility, concur with the faculty judgment except in rare instances and for compelling reasons which should be stated in detail.
>
> Agencies for faculty participation in the government of the college or university should be established at each level where faculty responsibility is present. An agency should exist for the presentation of the views of the whole faculty. The structure and procedures for faculty participation should be designed, approved, and established by joint action of the components of the institution. Faculty representatives should be selected by the faculty according to procedures determined by the faculty. The agencies may consist of meetings of all faculty members of a department, school, college, division, or university system, or may take the form of faculty-elected executive committees in departments and schools and a faculty-elected senate or council for larger divisions or institution as a whole.[1]

Clearly, FSG commands widespread support, not merely among faculty but among university presidents

and trustees, public and private. It is not necessary to assume that this widespread support is prima facie evidence of the virtues of FSG. Even in the absence of formal FSG, trustees have to delegate most of their decision-making authority. As long as university administrators have a plausible rationale, and can assert that the recommendations are supported by the faculty, the trustees are likely to concur in the action recommended. The dynamics of becoming and being a trustee are not conducive to raising hard questions about personnel or policy recommendations.

Although PR and FSG can be distinguished, they can and do overlap. "Peer review" is a dominant feature of FSG. Although PR can be limited to particular decisions, a governance structure which frequently incorporated internal PR would be perceived as a system of FSG. Of course, much would depend upon several criteria. These would include; the extent of administrative discretion to deviate from decisions made pursuant to PR, the culture of the institution and the legal status of decisions made through the PR process.

Why should faculties control the educational and personnel policies of institutions of higher education? Presumably the reasons include the following:

1) Professors know more about the issues, hence they should resolve them.

2) Professors are "professionals". Layman don't tell professionals what to do and how to do it.

3) Professionals discipline the members of their profession; e.g., bar and medical associations control entry to and expulsion from the legal and medical professions. Ergo, as a professional group, professors should do likewise.

THE PARADOX OF FACULTY SELF GOVERNMENT

In public institutions faculty self government presents a paradox, if not an outright inconsistency, with representative democratic government. In a representative democratic system, people have the right to change their policy-makers for virtually any reason valid or invalid. Elections for public office at local, state, and federal levels are taken for granted as an essential component of representative democracy. More accurately, it is taken for granted virtually everywhere except in institutions of higher education.

If professors at public institutions of higher education have the right to make and implement broad educational policy, how can their tenure be justified? What happens to the public right to change policy-makers? In other public agencies the public's right to change policy-makers is not legally restricted by tenure or even considerations of competence. The public can, and often does, remove competent policy-makers from office. Their reasons may have nothing to do with either the competence of the officials or the policies they espouse.

In higher education, however, the contradiction, or the inconsistency or the paradox or whatever, is not even discussed, let alone debated seriously. On the contrary, it is largely taken for granted despite the all but complete absence of accountability for policies made collectively. In any event, professors under faculty self government are not accountable for their policy recommendations or decisions. Supposedly they are evaluated on the basis of their teaching and research. Some institutions also evaluate professors on the basis of "service", but "service" never includes assessment of professorial positions on personnel matters or policy recommendations. Instead, it refers to such things as the time devoted to college committees and academic organizations, presentations to civic and community groups and a wide variety of other activities which may or may not relate to their academic field.

A. Professorial Workloads and Full-Time Employment

In practice, "peer review" and faculty self government are essential to maintain certain fictions that undergird higher education. One is that professorial workloads require meaningful full-time employment. From the rhetoric of higher education, one would think that academicians are grievously overworked. Actually, a significant proportion of faculty time is devoted to collective decision-making, often on the most trivial issues. Even when issues are resolved by individual decision, there must frequently be a prior collective decision to delegate the decision to an individual. Despite the fact that they teach only three to nine hours a week, most professors do not conduct any meaningful research. It is, therefore, essential for most to find another justification for their lack of productivity; faculty self government meets this need very nicely, since its demands can be interpreted expansively and implemented with minimal effort and no accountability.

B. Participation as A Social Disease

Participation is a social disease. It is endemic among professors and college educated housewives. These are the two groups in our society with a lot of time on their hands. They are the ones who are always out there urging participation. Other people, participate only when they have to. They don't erect it as an end. I don't want to participate in transportation policy. I just want to get where I'm going with a minimal amount of time and convenience. I don't want to participate in making medical policy, I just want to be healthly and if I need help to get it promptly. But it's only in higher education that we've turned this around and made participation the end in a sense rather than simply the means which we should do our utmost to do without.

C. The Question of Merit

Of all the arguments for faculty self government perhaps none is more suspect than idea that it fosters merit. Typically faculty self government was contrasted with collective bargaining, which is inimical to compensation according to merit. Let me explain why I find this contrast difficult to accept. Theoretically, at least, it would be surprising if the two procedures led to different outcomes. After all, the same constituency makes the personnel recommendations in both systems; there is no reason to suppose that if a faculty is representated by a union, it will be less supportive of merit pay than it would be through a system of faculty self government.

For example, suppose the issue was whether to provide large merit pay increases to a small number of professors, or whether to spread the money around evenly. It is easy to see why unions oppose merit pay. First of all unions are political organizations i.e., the basis for control is one person one vote. Like political organizations, generally unions find it very difficult to support large rewards for a small number of people. In or out of unions, what most professors want is their share, not to be told that their services are less deserving than someone else's.

This not the only reason for union opposition to merit pay, but it is a reason fully applicable to faculty self government. Why should we assume that faculty directions to union leaders are, or would be different than faculty directions to its leaders in the absence of a union? A faculty member who has a position under one system is not likely to have a different position under the other. Arguably, unionization generates some imperatives of its own which are not conducive to merit pay. For example, it is clear that professorial unions, like any other, have more to fear as a union from fair and objective procedures than from unfair and sujective ones. No matter how fair the procedures, several faculty are likely to feel aggrieved by their exclusion from merit awards. Needless to say, the union leaders are not going to say: "Quit squawking. You didn't deserve merit pay." That is not how one acquires or maintains a position of union leadership.

DIFFERENCES IN DECISIONAL PATTERNS

It may well be that this dynamic is not as operative under faculty self government. At least it would not be insofar as faculty self government does not utilize leadership whose livelihood depends upon their role in faculty self government. For the sake of argument I am willing to concede that a full time union representative is under more pressure to avoid meritocratic judgment than a faculty leader under faculty self government. On the other hand union leadership often consists of volunteers and workload credit is often provided leaders in systems of faculty self government. Overall, I believe the differences are not frequent or substantial enough to expect significant differences in the pattern of decisions reached under the two systems.

I do not assert there are no differences in the decisional pattern under the two systems. My point is a narrower one, to wit, that the dynamics of both faculty self government and collective bargaining are anti-merit. In practice there is probably more salary variation under faculty self government than collective bargaining, because there are more structural variations of faculty self government. For example, if salary recommendations under faculty self government are controlled by a tenured faculty, the latter will recommend a larger slice of the pie for themselves than if the salary recommendations were made through union representation. In the latter situation, non-tenured and part-time faculty members, per se, have as much organizational power as tenured faculty; everyone has one vote tenured or non-tenured. Thus under some structures of faculty self government there may be more salary variation than occurs under collective bargaining. This is hardly evidence of emphasis upon merit, although the variations are explained this way. It is far more likely, however, that the variations reflect the interests and preferences of the tenured faculty. These interests and preferences are not necessarily based upon or related to merit.

FACULTY SELF GOVERNMENT AND "PROFESSIONALISM"

Conceptually, faculty self government also rests upon some basic misconceptions regarding professionalism. The professorial point of view is that professors are "professionals" and that professional groups, such as doctors and lawyers, discipline themselves collectively. This rationale overlooks the fact that the professionals, who "police their own ranks", are largely fee-takers not salaried employees. This fact is critical. It is practically impossible for clients to monitor the activities of fee-takers. A patient who visits a doctor for a half hour every few months is hardly in a position to supervise, monitor, or administer the services rendered or received.

The case is otherwise with salaried employees. An institution of higher education which employs hundreds, perhaps even thousands, of full-time faculty, can supervise their activity at a reasonable cost. Supervision and evaluation can be a responsibility of chairmen, deans, and other academic officers. There is no need for professors to "police their own ranks" to protect the public, which, of course, they don't do anyway. On the other hand, unlike fee-paying clients, an institution of higher education can exercise effective managerial controls. Nevertheless, the governance structure of higher education is dominated by a rationale which makes sense only in fee-taking professions.

This rationale also fails to distinguish between decisions which should be made by a professional organization and decisions which should be made by an employer. In controlling entry, state medical and bar associations decide who is eligible to practice the profession. Such decisions must be distinguished from decisions to employ a lawyer or to employ a

doctor. Faculty self government confuses these important distinctions. It treats decisions to employ professionals as decisions on who is eligible to practice the profession. In asserting that the faculty should control who is hired, professors ignore the fact that their institution does not control who can practice the profession. The most it can decide, or they can decide is who is to be employed by the institution. A group of professors employed by a university should have no more right to say who could be a professor than a law firm has to say who can be a lawyer. True, under faculty self government professors can prevent X from teaching at their institution, but such authority cannot be justified on the grounds that "professionals" control entry to and expulsion from the profession. In short, faculty self government confuses the role of group salaried employees, employed by only one of several potential employers, with a state professional society composed largely of fee-takers.

The members of the fee-taking profession are not ordinarily involved in an employer-employee relationship with each other. Efforts to reconcile employer-employee relationships with a "peer" relationship are inherently contradictory. The rhetoric of faculty self government dismisses these contradictions on the grounds that higher education is "different". And so it is, in its uncritical acceptance of goverance structures that confuse or ignore every basic issue of accountability and efficiency.

ALTERNATIVES AND PROSPECTS FOR REFORM

What are the prospects for reform? I would say, they are better than nil, but not much better. A brief review of the obstacles to reform will explain this pessimistic conclusion.

First, the ideology of "peer review" and faculty self government is firmly entrenched ideologically as well as institutionally. There is no active movement to challenge or change these procedures. As a matter of fact, most governance discussions that arise from time to time recommend extending, not curtailing, "peer review" and faculty self government. Several special factors militate against reform. Ordinarily, if social change is to come about, it develops a base in higher education. When, however, the evils to be remedied are part and parcel of higher education and serve the interests of the faculty, the professors do not function as critics but as defenders of the status quo.

How easy it is to convert one's interests to principles. There is no other institution in our society that illustrates that better than higher education. The enormous overexpansion of higher education is one example. However, effectively or ineffectively, professors are critics of other institutions and interest groups in our society, they do not perform this role as far as when their own institutional interests are concerned.

Second, "peer review" and faculty self government are most firmly entrenched in the most prestigious institutions. Consequently, the herd instinct in academe, which is as strong there as anywhere else in American society, operates to maintain these procedures.

The third obstacle centers on the question of who will raise the issues? Not the professors and administrators who have benefitted the most from the existing system. The typical university president arrives at the top of the greasy pole after a series of lesser posts in which his relations with the faculty are scrutinized carefully. Faculty committees established to recommend individuals for administrative positions will ordinarily be interested in ensuring faculty prerogatives. A candidate who challenges these prerogatives would be eliminated forthwith from consideration. To expect university presidents to challenge the system in which they have flourished would be naive, to say the least.

This is not to say that university presidents are rarely faced with the need to oppose decisions/recommendations emerging from "peer review" or faculty self government. On the contrary, such situations arise constantly. Effort however, is devoted to negotiating the differences, not to fundamental overhaul of the decision-making and/or governance structures. In these negotiations, the administration is severely handicapped at the outset; frequent administrative opposition to consensual decisions renders the administrator, not the decision and policy making structure, suspect.

Fourth, the media regrettably cannot be expected to focus public opinion on the consequences of "peer review" and faculty self government. Compared to summit meetings, terrorist attacks, presidential primaries, and all the other staples of media attention, the governance structure of higher education is tame stuff indeed. The average reporter has no basis to question the academic mystique. He'd be scared to do it. If prestigious institutions are characterized by "peer review" and faculty self government, the latter must be desirable.

In sum, although, our society would benefit from the demise of "peer review" and faculty self government, there is no constituency for it in or out of higher education, no public understanding of its adverse consequences, and no prospect of extensive media attention to it. In the face of these obstacles, any discussion of reform possibilities can be left to the Pollyannas in our midst.

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[1] American Association of University Professors, American Council on Education, and the Association of Governing Boards of Universities and Colleges, 1966 Statement on Government of Colleges and Universities, in Louis Joughin (ed.), Academic Freedom and Tenure, a Handbook of the American Association of University Professors (Madison, Wis.: University of Wisconsin Press, 1967), p. 98.